

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

September 12, 2003

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

IN RE: Promotion to Introduce BellSouth Integrated Solutions, Tariff No. 2003-956

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Complaint and Petition to Intervene in BellSouth's Tariff No. 2003-956 to Introduce BellSouth Integrated Solutions. Kindly file same in this tariff. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615) 741-8733. Thank you.

Sincerely,

Vance L. Broemel
VANCE L. BROEMEL
Assistant Attorney General

cc: All Parties of Record

#66649

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**PROMOTION TO INTRODUCE
BELLSOUTH INTEGRATED
SOLUTIONS (BIS)**

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DOCKET NO. _____

TARIFF NO. 2003-956

COMPLAINT AND PETITION TO INTERVENE

Comes Paul G. Summers, the Attorney General for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General (hereinafter "Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and complains against this tariff and petitions to intervene in this docket and convene a contested case on behalf of the public interest because consumers may be adversely affected by the proposed tariff because it seeks to exempt certain telecommunications services from the resale requirements of the federal Telecommunications Act of 1996 without setting forth any valid reasons for such exemption. For cause, the Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act ("UAPA").
2. BellSouth Telecommunications, Inc. ("BellSouth") is an incumbent Local Exchange Company operating in the State of Tennessee, regulated by the Tennessee Regulatory Authority ("TRA"), and offering telecommunications services to Tennessee consumers.
3. The present matter, Tariff No. 2003-956, involves a promotion for a service known

as BellSouth Integrated Solutions (BIS) which BellSouth claims “consists of an unregulated service bundle that provides the following capabilities for new and existing business voice customers: interoffice facilities where necessary, Dedicated Internet Access, Shared Web Hosting, E-Mail boxes, and Customer Premises Equipment, including installation, maintenance and monitoring at a single monthly rate.” (see letter of August 26, 2003 from BellSouth to Darlene Standley of the TRA).

4. In the letter dated August 26, 2003 from BellSouth to the TRA regarding the issue of whether the BIS product was subject to resale, BellSouth took the following position:

Because the program includes offerings that are not individually subject to resale, this unregulated service bundle is not subject to resale. Competing resellers can make similar offers by reselling BellSouth’s voice products and adding their own unregulated services at a single price. BellSouth’s business voice products, however, remain subject to resale at the ordinary tariff price less the wholesale discount for such service.

5. The federal Telecommunications Act of 1996 “requires incumbent LECs [such as BellSouth] to offer at ‘wholesale rates’ any telecommunications services that the carrier provides at retail to subscribers who are not telecommunications carriers.” FCC Order 96-325 at Paragraph 878. *See also* 47 U.S.C. § 251(c)(4) (2001). BellSouth has set forth no statutory authority for exempting the subject service from the Act, nor has BellSouth offered any authority for the position that “unregulated” services are not subject to resale.

6. Furthermore, BellSouth has not offered any state or federal authority for the position that bundling a product which is subject to resale with a product which is not subject to resale exempts the bundled product from the resale provisions of the Act.

7. Accordingly, the TRA should not approve the proposed tariff.

8. Only by intervening and participating in this proceeding can the Consumer Advocate

work to protect the public interest.

Wherefore, the Petitioner prays that the Authority will convene a contested case and grant its Petition to Intervene, and grant such other relief as may be appropriate.

RESPECTFULLY SUBMITTED,



PAUL G. SUMMERS, B.P.R. #6285

Attorney General
State of Tennessee



VANCE L. BROEMEL, B.P.R. #01142

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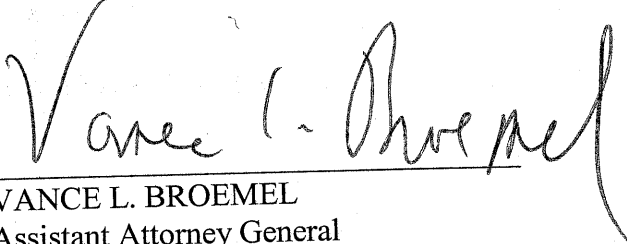
Dated: September ___, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via hand delivery or facsimile on September 12 2003

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